

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony James Isham,

Civil No. 06-3780 PJS/SRN

Plaintiff,

v.

ORDER

**Virginia Medical Center, and,
One Unknown Named Employee of
The Virginia Medical Center,**

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated September 22, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's claims against Defendant Virginia Medical Center are dismissed pursuant to 28 U.S.C. § 1915A(b); and

2. Plaintiff's claims against the other Defendant listed in the caption of the complaint are allowed to proceed at this time, without prejudice to any defenses that the remaining Defendant may later seek to raise.

DATED: 10/11, 2006.

s/Patrick J. Schiltz
Judge Patrick J. Schiltz
United States District Court Judge